

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

UNITED STATES,	§	
	§	
Plaintiff,	§	
	§	
V.	§	CR-04-385
	§	
ALI AL-TIMIMI	§	
	§	
Defendant.	§	

REPLY IN SUPPORT OF DR. ALI AL-TIMIMI’S MOTION FOR RECONSIDERATION

Defendant Dr. Ali al-Timimi hereby replies to the Government’s opposition to his motion for reconsideration of the Court’s orders of April 28, 2014 and May 8, 2014.

The Government contends that defendant’s motion for reconsideration is “moot” because the Court issued “an order denying [certain outstanding] motions for the reasons stated in its ruling of April 28, 2014.” Dkt. No. 355 at 1. However, the May 8th order neither itself denied defendant’s outstanding substantive motions nor contained any indication that the analysis in the April 28th ruling should apply to them. Rather, the May 8th order merely characterized the April 28th order as denying all pending motions, but the April 28th ruling did not address outstanding motions that predated 2013. The April 28th ruling was specific as to the motions that were denied. There remain prior motions that have not been adjudicated to the knowledge of defense counsel.¹

The Government’s response does not address the separate issue of a requested order for the Government to review the limited number of classified filings in light of subsequent public

¹ The mix of classified and unclassified filings has created understandable complexity and difficulties for the parties. Defendant appreciates the Government attaching an order concerning the motion listed as Dkt. No. 273, which he previously raised through counsel as one of a number of pending matters. That motion and the order do not appear on the docket itself. Given that order, it does appear that Dkt. No. 273 is no longer pending.

disclosures and declassifications. As with the need to address the remaining motions on the docket, the declassification of some or all of these filings would greatly facilitate any later appellate review. Cleared counsel has stated his good-faith belief that much of this material is now in the public domain and should be released in full or redacted form.

Accordingly, defendant respectfully asks that his motion be granted and that (1) the prior orders be amended to reflect the still-pending motions, and (2) that the Court order a review of all remaining classified filings for placement on the public docket.

Respectfully submitted,

Dr. Ali Al-Timimi
By Counsel

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By: _____/s/_____
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Dated: May 22, 2014

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2014, the foregoing was caused to be served via the Court's ECF system, which will then send a notification of such filing (NEF) to the following:

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